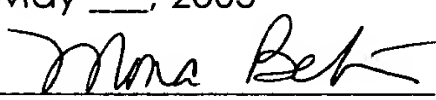


05-09-05

DAC
afw

Patent Docket P0378P3C6

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Donogh P. O'Brien et al. Serial No.: 09/924,857 Filed: August 8, 2001 For: METHOD AND THERAPEUTIC COMPOSITIONS FOR THE TREATMENT OF MYOCARDIAL INFARCTION	Group Art Unit: 1644 Examiner: Phillip Gambel Confirmation No: 3539 CUSTOMER NO: 09157 CERTIFICATE OF EXPRESS MAILING Express Mail Label No.: EV 385 660 883 US I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated below and is addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria Virginia 22313-1450". May <u>5</u> , 2005  Mona Beltran
---	--

PETITION FOR REVIVAL UNDER 37 C.F.R. 1.137(b)

Office of Petitions - MAIL STOP DAC
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants submit this petition in response to an April 8, 2005 Advisory Action (copy attached, Tab A). The Advisory Action stated that the above-identified application is considered abandoned for failure to file a timely and proper respond to the June 25, 2004 Final Office Action ("Final Office Action," copy attached as Tab B). Specifically, the Notice of Non-Compliant Amendment ("Notice") attached to the Advisory Action states that applicants' December 23, 2004 Amendment ("Amendment") to the Final Office Action lacks a complete listing of the claims and a proper identifier for each claim. The Notice further states that the recitation of claims 18 and 23 are not consistent with a previous amendment. Thus, the Examiner did not enter the amendments and considered the application abandoned six months from the mailing date of the final rejection (i.e., the December 27, 2004 deadline).

05/10/2005 CCHAU1 00000038 070630 09924857

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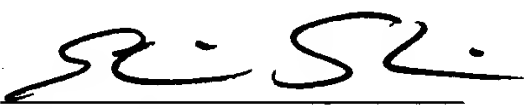
09/924,857

Applicant hereby petitions for revival of this application, and states that the entire delay in filing the required reply from the due date for reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. As shown in Applicants' Amendment, applicants clearly intended to amend the claims to be in condition for allowance within the deadline by canceling the rejected claims. See top of pages 2 and 4 of the Amendment (copy attached together with copy of a December 23, 2004 petition for three month extension of time under 37 CFR 1.136(a), Tab C). Applicants concurrently submit herewith a Request for Continued Examination and an Amendment responsive to the Final Office Action.

The Assistant Commissioner is hereby authorized to charge applicant's Deposit Account No. 07-0630 in the amount of \$1,500.00 to cover the cost of the present petition for revival of an unintentionally abandoned application. Any deficiency or overpayment should be charged or credited to this deposit account. A duplicate of this sheet is enclosed.

Respectfully submitted,
GENENTECH, INC.

Date: May 5, 2005

By: 
Elinor Shin
Reg. No. 43,117
Telephone No. (650) 225-3536



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/924,857	08/08/2001	Donogh P. O'Brien	P0378P3C6	3539

9157 7590 04/08/2005

GENENTECH, INC.
1 DNA WAY
SOUTH SAN FRANCISCO, CA 94080

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APR 12 2005

GENENTECH, INC.
LEGAL DEPT.

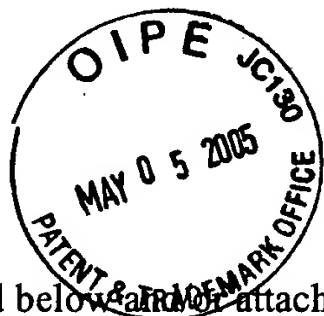
EXAMINER

GAMBEL, PHILLIP

ART UNIT PAPER NUMBER

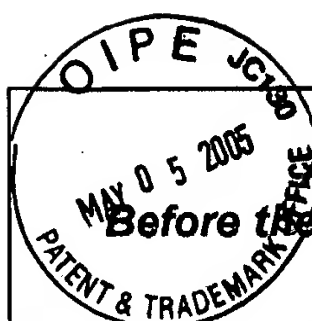
1644

DATE MAILED: 04/08/2005



Please find below attached an Office communication concerning this application or proceeding.

CALENDARED/LS
Petition to Revive
8 MAY 05
DUE DATE



**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/924,857

Applicant(s)

O'BRIEN ET AL.

Examiner

Phillip Gambel

Art Unit

1644

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 23 December 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 6 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The reply was filed after the date of filing a Notice of Appeal, but prior to the date of filing an appeal brief. The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☒ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☒ Applicant's reply has overcome the following rejection(s): See Continuation Sheet.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: 21, 24 and 25.
Claim(s) objected to: _____.
Claim(s) rejected: 18-20, 22, 23 and 26.
Claim(s) withdrawn from consideration: _____.

Phillip Gambel
PHILLIP GAMBEL, PH.D.
PRIMAVERA
DEC COVER 1600
4/1/05

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☒ Other: No evidence of filing a Notice of Appeal appears in the instant application. The application is technically abandoned.

Continuation of 5. Applicant's reply has overcome the following rejection(s): It appears that applicant attempted to place claims in condition for allowance, however the claims do not reflect the current status of all claims, the recitation of claim 18 is not consistent with the previous amendment, the spelling of "intravenous" in claim 23 is incorrect and the amendment presents and cancels claim 23. .

Continuation of 11. does NOT place the application in condition for allowance because: the claims are not compliant with the Revised Amendment Practice under 37 CFR 1.121, which was effective July 30, 2003..



UNITED STATES PATENT AND TRADEMARK OFFICE



COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
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Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 12/23/04 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required. **Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted.** 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____
- ☐ 3. Amendments to the drawings: _____
- ☒ 4. Amendments to the claims:
- ☒ A. A complete listing of all of the claims is not present.
 - ☒ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following 7 status identifiers: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New) and (Not entered).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☒ E. Other: THE REFORMATION OF CLAIMS 18/23 IS NOT CONSISTENT WITH PREVIOUS AMENDMENT

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given ONE MONTH from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and **this ONE MONTH time limit is not extendable.**

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a TIME PERIOD of ONE MONTH from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. **The period for response to a final rejection continues to run from the date set in the final rejection,** and is not affected by the non-compliant status of the amendment.

Legal Instruments Examiner (LIE)

Telephone No.

PHILLIP GAMBEL, PH.D
PRIMARY EXAMINER
RECEIVED 1600
4/1/05



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EPK/CK

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/924,857 /	08/08/2001 /	Donogh P. O'Brien	P0378P3C6	3539 /

9157 7590 06/25/2004
GENENTECH, INC.
1 DNA WAY
SOUTH SAN FRANCISCO, CA 94080

EXAMINER

GAMBEL, PHILLIP

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ART UNIT PAPER NUMBER

1644 /



JUN 28 2004

DATE MAILED: 06/25/2004

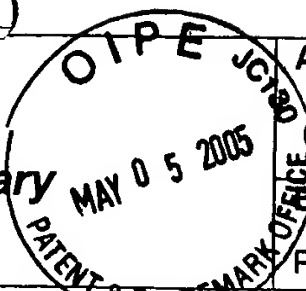
GENENTECH, INC.
LEGAL, DEPT.

Please find below and/or attached an Office communication concerning this application or proceeding.

CALENDARED/CK

Final Rejection - 2 mos. 25 Aug 04
Notice of Appeal - 25 SEP 04

DUE DATE

Office Action Summary

Application No.

09/924,857

Applicant(s)

O'BRIEN ET AL.

Examiner

Phillip Gambel

Art Unit

1644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4/1/04
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) _____ is/are pending in the application. 18-26
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) _____ is/are allowed. 18-20, 24, 23, 26
- 6) ☒ Claim(s) _____ is/are rejected. 21, 24-25
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 1644

DETAILED ACTION

1. Applicant's amendment, filed 4/1/04, has been entered.
Claims 1-17 have been canceled.
Claim 18 has been amended.
Claims 19-26 have been added.
2. The text of those sections of Title 35 USC not included in this Action can be found in a prior Action.
This Action will be in response to applicant's amendment, filed 4/1/04.
The rejections of record can be found in previous Office Action (Paper No.).

is
3. Given that the term of a patent to 20 years^{is} measured from the filing date of the earlier U.S. application for which benefit under 35 USC 120, 121 or 365(c) is claimed (see MPEP 201.11, particularly MPEP 201.11 (G), applicant is invited to review the claim to priority on the first line of the specification.

Applicant is reminded that the priority date of the instant claims was deemed to be the filing date of the priority application USSN 07/209,665, filed 6/21/88, as the previous priority applications USSNs 06/926,977, filed 11/4/86 and 07/110,255, filed 10/20/87 do not support the claimed limitations of the instant application, encompassing methods of inhibiting coagulation with LACI.

4. The previous rejections under 35 U.S.C. § 102(e) as being anticipated by Broze et al. (U.S. Patent No. 5,106,833) and under 35 U.S.C. § 103(a) as being unpatentable over Broze et al. (U.S. Patent No. 5,106,833) further in view of Broze et al. (PNAS 84: 1886-1890, 1987) AND/OR Broze et al. (Blood 71: 335-343, 1988) have been withdrawn in view of applicant's amended and newly added claims as well as arguments, filed 4/1/04.

It appears that the the prior art does not teach methods of treating patient having an atherosclerotic plaque with LACI.

5. The following is a quotation of the first paragraph of 35 U.S.C. § 112:
The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.
6. Claims 21 and 24-25 are rejected under 35 U.S.C. § 112, first paragraph, as the specification does not contain a written description of the claimed invention, in that the disclosure does not reasonably convey to one skilled in the relevant art that the inventor(s) had possession of the claimed invention at the time the application was filed.
The specification as originally filed does not provide support for the invention as now claimed:
(A) each recitation of "about" in claim 21 and
(B) the recitation of the order of the first and second bolus in claims 24 and 25.

Applicant's amendment, filed 4/1/04, directs support to certain pages of the instant specification.

The specification as filed does not appear to provide a written description for these limitations.

For example, there does not appear to be sufficient written description for each recitation of "about" in claim 21 with respect to the range of doses (e.g. see pages 16-17, overlapping paragraph of the instant specification).

While pages 16-17 of the instant specification appear to provide for administering the combination of LACI and a thrombolytic agent, the written description of administering each agent in a particular first and second bolus is not readily apparent.

The specification does not provide sufficient landmarks nor direction for the instant methods encompassing the above-mentioned "limitations" as they are currently recited. The instant claims now recite limitations which were not clearly disclosed in the specification as-filed, and now change the scope of the instant disclosure as-filed. Such limitations recited in the present claims, which did not appear in the specification, as filed, introduce new concepts and violate the description requirement of the first paragraph of 35 U.S.C. 112.

Applicant is required to cancel the new matter in the response to this Office action

Alternatively, applicant is invited to provide sufficient written support for the "limitations" indicated above. See MPEP 714.02 and 2163.06

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phillip Gambel whose telephone number is (571) 272-0844. The examiner can normally be reached Monday through Thursday from 7:30 am to 6:00 pm. A message may be left on the examiner's voice mail service. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Chan can be reached on (571) 272-0841.

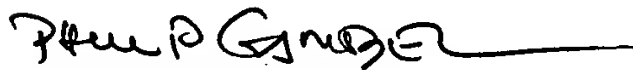
The fax number for the organization where this application or proceeding is assigned is 703-872-9306.

Application/Control Number: 09/924,857

Page 4

Art Unit: 1644

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Phillip Gambel, PhD.

Primary Examiner

Technology Center 1600

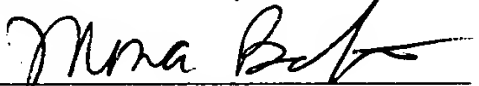
June 21, 2004



**RESPONSE UNDER 37 CFR 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 1644**

Patent Docket P0378P3C6

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Donogh P. O'Brien et al. Serial No.: 09/924,857 Filed: August 8, 2001 For: METHOD AND THERAPEUTIC COMPOSITIONS FOR THE TREATMENT OF MYOCARDIAL INFARCTION	Group Art Unit: 1644 Examiner: P. Gambel Confirmation No: 3539 Customer No: 09157 CERTIFICATION OF FACSIMILE TRANSMISSION UNDER 37 CFR § 1.8 I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below. December 23, 2004  Mona Beltran
---	---

AMENDMENT UNDER 37 C.F.R. §1.116

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This document is responsive to the Office Action mailed June 25, 2004, for which a three-month period for response was given. This response is timely filed with a Petition and fees for Three-Month Extension of Time and fees to include December 25, 2004. In view of the discussion provided, reconsideration and allowance are respectfully requested.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

BEST AVAILABLE COPY

Amendments to the Claims:

Claims 21, 24-26 cancelled.

Listing of Claims:

Claims 21, 23-24 (Cancelled)

18. (Previously presented) A method of treating a coagulation disorder in a patient in need thereof having an atherosclerotic plaque comprising administering to the patient a therapeutically effective amount of a tissue factor protein antagonist comprising lipoprotein associated coagulation inhibitor ("LACI").

19. (Previously presented) The method according to claim 18, further comprising administering a thrombolytic agent to the patient.

20. (Previously presented) The method according to claim 19, wherein the thrombolytic agent is selected from the group consisting of a streptokinase, urokinase, prourokinase and a tissue-type plasminogen activator.

22. (Previously presented) The method according to claim 18 wherein the administration is by bolus.

23. (Previously presented) The method according to claim 18 wherein the administration by the intravenous infusion.

26. (Previously presented) The method according to claim 18 wherein the patient is a human.

REMARKS

Claims 18-20, 22-23, and 26 remain in this application. Claims 21, 24-25 have been cancelled.

The Examiner has acknowledged that claims 18-20, 22, 23, 26 are directed to allowable subject matter. No outstanding rejections remain. Thus applicants respectfully request the allowance of the application. Applicants reserve the right to pursue the cancelled claims in a divisional application claiming benefit herefrom.

SUMMARY

The Examiner is invited to call the undersigned at the number indicated below regarding any outstanding issues.

This response/amendment is submitted with a transmittal letter and petition for a three-month extension of time and fees. In the unlikely event that this document is separated from the transmittal letter or if fees are required, applicants petition the Commissioner to authorize charging our Deposit Account 07-0630 for any fees required or credits due and any extensions of time necessary to maintain the pendency of this application.

Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

GENENTECH, INC.

By: 

Elinor K. Shin

Reg. No. 43,117

Telephone No. (650) 225-3536

Date: December 23, 2004